

By: Lucio III

H.B. No. 3177

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the delegation of uncontested matters to the executive
3 director of the Texas Commission on Environmental Quality.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 5.122(a), Water Code, is amended to read
6 as follows:

7 (a) The commission by rule or order may delegate to the
8 executive director the commission's authority to act on an
9 application or other request to issue, renew, reopen, transfer,
10 amend, extend, withdraw, revoke, terminate, or modify a permit,
11 license, certificate, registration, or other authorization or
12 approval if:

13 (1) required notice of the application or request for
14 the authorization or approval has been given;

15 (2) the holder of or applicant for the authorization
16 or approval agrees in writing to the action to be taken by the
17 executive director; and

18 (3) the application or request:

19 (A) is uncontested and does not require an
20 evidentiary hearing; ~~or~~

21 (B) has become uncontested before parties are
22 named because each person who requested a contested case hearing
23 within the time allowed by law has:

24 (i) withdrawn the request for a contested

1 case hearing without condition;

2 (ii) withdrawn the request for a contested
3 case hearing conditioned only on the withdrawal of all other
4 hearing requests; or

5 (iii) agreed in writing to the action to be
6 taken by the executive director; or

7 (C) has become uncontested because all parties
8 have agreed in writing to the action to be taken by the executive
9 director.

10 SECTION 2. Section 5.351, Water Code, is amended by adding
11 Subsection (c) to read as follows:

12 (c) Notwithstanding Subsection (b), a person affected by a
13 ruling, order, or decision on a matter delegated to the executive
14 director under Section 5.122 may file a petition to review, set
15 aside, modify, or suspend the ruling, order, or decision not later
16 than:

17 (1) the 30th day after the effective date of the
18 ruling, order, or decision; or

19 (2) if the executive director's ruling, order, or
20 decision is appealed to the commission as authorized by Section
21 5.122(b), the earlier of:

22 (A) the date the commission denies the appeal; or

23 (B) the date the appeal is overruled by operation
24 of law in accordance with commission rules.

25 SECTION 3. The changes in law made by this Act apply only to
26 a matter delegated to the executive director of the Texas
27 Commission on Environmental Quality under Section 5.122, Water

1 Code, as amended by this Act, on or after the effective date of this
2 Act. A matter delegated before the effective date of this Act is
3 governed by the law in effect at the time the matter was delegated,
4 and the former law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2017.